



Reprinted
April 5, 2005

ENGROSSED HOUSE BILL No. 1159

DIGEST OF HB 1159 (Updated April 4, 2005 2:14 pm - DI 106)

Citations Affected: IC 12-7; IC 12-10; IC 34-30; IC 35-44; noncode.

Synopsis: Missing endangered adults. Provides that a law enforcement agency that receives a credible notification concerning a missing endangered adult may prepare and forward a report concerning the missing endangered adult to: (1) other law enforcement agencies; (2) the National Crime Information Center; (3) the data and communication system; and (4) broadcasters in the area where the missing endangered adult may be located. Provides that a law enforcement agency may forward the report to a newspaper. Provides civil immunity to a broadcaster or newspaper that broadcasts or publishes a senior medical alert. Makes filing a false report concerning a missing endangered adult a Class B misdemeanor.

Effective: July 1, 2005.

**Ruppel, Walorski, Smith J,
Harris T, Budak, Summers,
Smith V, Austin**

(SENATE SPONSORS — ZAKAS, DILLON, HEINOLD, BREAU, SIPES,
BRODEN, ALTING)

January 6, 2005, read first time and referred to Committee on Family, Children and Human Affairs.

January 13, 2005, amended, reported — Do Pass.

January 18, 2005, read second time, ordered engrossed. Engrossed.

January 24, 2005, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 14, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

March 31, 2005, amended, reported favorably — Do Pass.

April 4, 2005, read second time, amended, ordered engrossed.

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EH 1159—LS 6759/DI 106+



Reprinted
April 5, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1159

A BILL FOR AN ACT to amend the Indiana Code concerning
public safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 12-7-2-131.3 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2005]: **Sec. 131.3. "Missing endangered**
4 **adult", for purposes of IC 12-10-18, means an individual at least**
5 **eighteen (18) years of age who is reported missing to a law**
6 **enforcement agency and is, or is believed to be:**
7 (1) **a temporary or permanent resident of Indiana;**
8 (2) **at a location that cannot be determined by an individual**
9 **familiar with the missing individual; and**
10 (3) **incapable of returning to the individual's residence**
11 **without assistance by reason of:**
12 (A) **mental illness;**
13 (B) **mental retardation;**
14 (C) **dementia; or**
15 (D) **other physical or mental incapacity of managing or**
16 **directing the management of the individual's property or**
17 **providing or directing the provision of self-care.**

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SECTION 2. IC 12-7-2-174.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 174.8. "Endangered adult medical alert" means an alert indicating that law enforcement officials are searching for a missing endangered adult.**

SECTION 3. IC 12-10-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 18. Reports of Missing Endangered Adults

Sec. 1. (a) A law enforcement agency that receives a notification concerning a missing endangered adult from:

(1) the missing endangered adult's:

(A) guardian;

(B) custodian; or

(C) guardian ad litem; or

(2) an individual who:

(A) provides the missing endangered adult with home health aid services;

(B) possesses a health care power of attorney for the missing endangered adult; or

(C) has evidence that the missing endangered adult has a condition that may prevent the endangered adult from returning home without assistance;

shall prepare an investigative report on the missing endangered adult, if based on the notification, the law enforcement agency has reason to believe that an endangered adult is missing.

(b) The investigative report described in subsection (a) may include the following:

(1) Relevant information obtained from the notification concerning the missing endangered adult, including the following:

(A) A physical description of the missing endangered adult.

(B) The date, time, and place that the missing endangered adult was last seen.

(C) The missing endangered adult's address.

(2) Information gathered by a preliminary investigation, if one was made.

(3) A statement by the law enforcement officer in charge setting forth that officer's assessment of the case based upon the evidence and information received.

Sec. 2. The law enforcement agency shall prepare the investigative report described by section 1 of this chapter as soon

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as practicable, and if possible not later than five (5) hours after the law enforcement agency receives notification of a missing endangered adult.

Sec. 3. (a) Upon completion of the report described by section 1 of this chapter, if the law enforcement agency has reason to believe that public notification may assist in locating the missing endangered adult, the law enforcement agency may immediately forward the contents of the report to:

(1) all law enforcement agencies that have jurisdiction in the location where the missing endangered adult lives and all law enforcement agencies that have jurisdiction in the location where the missing endangered adult was last seen;

(2) all law enforcement agencies to which the person who made the notification concerning the missing endangered adult requests the report be sent, if the law enforcement agency determines that the request is reasonable in light of the information received;

(3) all law enforcement agencies that request a copy of the report;

(4) one (1) or more broadcasters that broadcast in an area where the missing endangered adult may be located;

(5) the Indiana data and communication system (IDACS); and

(6) the National Crime Information Center's Missing Person File, if appropriate.

(b) Upon completion of the report described by section 1 of this chapter, a law enforcement agency may forward a copy of the contents of the report to one (1) or more newspapers distributed in an area where the missing endangered adult may be located.

(c) After forwarding the contents of the report to a broadcaster or newspaper under this section, the law enforcement agency may request that the broadcaster or newspaper:

(1) notify the public that there is an endangered adult medical alert; and

(2) broadcast or publish:

(A) a description of the missing endangered adult; and

(B) any other relevant information that would assist in locating the missing endangered adult.

Sec. 4. A law enforcement agency may begin an investigation concerning the missing endangered adult as soon as possible after receiving notification of a missing endangered adult.

Sec. 5. An individual described in section 1(a)(1) or 1(a)(2) of this chapter who notifies a law enforcement agency concerning a

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1 missing endangered adult shall notify the law enforcement agency
2 when the missing endangered adult is found.

3 **Sec. 6. (a) A broadcaster or newspaper that notifies the public**
4 **that there is an endangered adult medical alert and broadcasts or**
5 **publishes to the public information contained in the report**
6 **forwarded to the broadcaster or newspaper by a law enforcement**
7 **agency, including:**

8 (1) a description of the missing endangered adult; and

9 (2) any other relevant information that would assist in
10 locating the missing endangered adult;

11 is immune from civil liability for an act or omission related to the
12 broadcast or the publication of the newspaper.

13 (b) The civil immunity described in subsection (a) does not apply
14 to an act or omission that constitutes gross negligence or willful,
15 wanton, or intentional misconduct.

16 SECTION 4. IC 34-30-2-43.3 IS ADDED TO THE INDIANA
17 CODE AS A NEW SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2005]: **Sec. 43.3. IC 12-10-18-6 (Concerning**
19 **a broadcaster who broadcasts an endangered adult medical alert**
20 **or a newspaper that publishes an endangered adult medical alert).**

21 SECTION 5. IC 35-44-2-2 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) As used in this
23 section, "consumer product" has the meaning set forth in IC 35-45-8-1.

24 (b) As used in this section, "misconduct" means a violation of a
25 departmental rule or procedure of a law enforcement agency.

26 (c) A person who reports, by telephone, telegraph, mail, or other
27 written or oral communication, that:

28 (1) the person or another person has placed or intends to place an
29 explosive, a destructive device, or other destructive substance in
30 a building or transportation facility;

31 (2) there has been or there will be tampering with a consumer
32 product introduced into commerce; or

33 (3) there has been or will be placed or introduced a weapon of
34 mass destruction in a building or a place of assembly;

35 knowing the report to be false commits false reporting, a Class D
36 felony.

37 (d) A person who:

38 (1) gives a false report of the commission of a crime or gives false
39 information in the official investigation of the commission of a
40 crime, knowing the report or information to be false;

41 (2) gives a false alarm of fire to the fire department of a
42 governmental entity, knowing the alarm to be false;

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(3) makes a false request for ambulance service to an ambulance service provider, knowing the request to be false;

(4) gives a false report concerning a missing child (as defined in IC 10-13-5-4) **or missing endangered adult (as defined in IC 12-7-2-131.3)** or gives false information in the official investigation of a missing child **or missing endangered adult** knowing the report or information to be false; or

(5) makes a complaint against a law enforcement officer to the state or municipality (as defined in IC 8-1-13-3) that employs the officer:

(A) alleging the officer engaged in misconduct while performing the officer's duties; and

(B) knowing the complaint to be false;

commits false informing, a Class B misdemeanor. However, the offense is a Class A misdemeanor if it substantially hinders any law enforcement process or if it results in harm to an innocent person.

SECTION 6. [EFFECTIVE JULY 1, 2005] **IC 35-44-2-2, as amended by this act, applies only to crimes committed after June 30, 2005.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1159, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 3.

Page 4, line 7, delete "has the meaning set forth in" and insert **"means an individual at least sixty-five (65) years of age who is reported missing to a law enforcement agency and is, or is believed to be:**

- (1) a temporary or permanent resident of Indiana;**
- (2) at a location that cannot be determined by an individual familiar with the missing individual; and**
- (3) incapable of returning to the individual's residence without assistance."**

Page 4, delete line 8, begin a new paragraph, and insert:

"SECTION 2. IC 12-7-2-174.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 174.8. "Senior medical alert" means an alert indicating that law enforcement officials are searching for a missing endangered senior."

Page 4, line 13, after "1." insert **"(a)"**.

Page 4, line 14, after "senior" insert **"from:**

- (1) the missing endangered senior's:**
 - (A) guardian;**
 - (B) custodian; or**
 - (C) guardian ad litem; or**
- (2) an individual who:**
 - (A) provides the missing endangered senior with home health aid services;**
 - (B) possesses a health care power of attorney for the missing endangered senior; or**
 - (C) has proof that the missing endangered senior has a medical condition;"**

Page 4, line 14, beginning with "shall" begin a new line blocked left.

Page 4, line 15, delete "That report", begin a new paragraph and insert:

"(b) The report described in subsection (a)".

Page 4, line 34, after "3." insert **"(a)"**.

Page 5, line 6, delete "the Indiana clearinghouse for information on

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missing" and insert **"one (1) or more broadcasters that broadcast in an area where the missing endangered senior may be located;"**.

Page 5, delete line 7.

Page 5, between lines 10 and 11, begin a new paragraph and insert:

"(b) Upon completion of the report required by section 1 of this chapter, a law enforcement agency may forward a copy of the contents of the report to one (1) or more newspapers distributed in an area where the missing endangered senior may be located.

(c) After forwarding the contents of the report to a broadcaster or newspaper under this section, the law enforcement agency shall request that the broadcaster or newspaper may:

(1) notify the public that there is a senior medical alert; and

(2) broadcast or publish:

(A) a description of the missing endangered senior; and

(B) any other relevant information that would assist in locating the missing endangered senior."

Page 5, line 12, delete "not later than" and insert **"as soon as possible"**.

Page 5, line 13, delete "twenty-four (24) hours".

Page 5, after line 14, begin a new paragraph and insert:

"Sec. 5. An individual described in section 1(a)(1) or 1(a)(2) of this chapter who notifies a law enforcement agency concerning a missing endangered senior shall notify the law enforcement agency when the missing endangered senior is found.

Sec. 6. (a) A broadcaster or newspaper that notifies the public that there is a senior medical alert and broadcasts or publishes to the public information contained in the report forwarded to the broadcaster or newspaper by a law enforcement agency, including:

(1) a description of the missing endangered senior; and

(2) any other relevant information that would assist in locating the missing endangered senior;

is immune from civil liability for an act or omission related to the broadcast or the publication of the newspaper.

(b) The civil immunity described in subsection (a) does not apply to an act or omission that constitutes gross negligence or willful, wanton, or intentional misconduct.

SECTION 4. IC 34-30-2-43.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 43.3. IC 12-10-18-5 (Concerning a broadcaster who broadcasts a senior medical alert or a newspaper that publishes a senior medical alert)."

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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.
(Reference is to HB 1592 as introduced.)

BUDAK, Chair

Committee Vote: yeas 11, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1159, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 4, delete "senior" and insert "**adult**".

Page 1, line 5, delete "sixty-five (65)" and insert "**eighteen (18)**".

Page 1, line 11, delete "." and insert: "**by reason of:**

(A) **mental illness;**

(B) **mental retardation;**

(C) **dementia; or**

(D) **other physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care.**"

Page 1, line 14, delete ""Senior" and insert ""**Endangered adult**".

Page 1, line 16, delete "senior" and insert "**adult**".

Page 2, line 3, delete "Seniors" and insert "**Adults**".

Page 2, line 5, delete "senior" and insert "**adult**".

Page 2, line 6, delete "senior's" and insert "**adult's**".

Page 2, line 11, delete "senior" and insert "**adult**".

Page 2, line 14, delete "senior" and insert "**adult**".

Page 2, line 15, delete "proof" and insert "**evidence**".

Page 2, line 15, delete "senior" and insert "**adult**".

Page 2, line 16, delete "medical".

Page 2, line 16, after "condition" insert "**that may prevent the endangered adult from returning home without assistance**".

Page 2, line 17, delete "a" and insert "**an investigative**".

Page 2, line 17, delete "senior." and insert "**adult, if based on the notification, the law enforcement agency has reason to believe that an endangered adult is missing.**"

Page 2, line 18, after "(b) The" insert "**investigative**".

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Page 2, line 18, delete "must" and insert "**may**".

Page 2, line 21, delete "senior" and insert "**adult**".

Page 2, line 24, delete "senior" and insert "**adult**".

Page 2, line 26, delete "senior" and insert "**adult**".

Page 2, line 27, delete "senior's" and insert "**adult's**".

Page 2, line 33, after "prepare the" insert "**investigative**".

Page 2, line 34, delete "required" and insert "**described**".

Page 2, line 34, delete "but" and insert "**and if possible**".

Page 2, line 36, delete "senior" and insert "**adult**".

Page 2, line 37, delete "required" and insert "**described**".

Page 2, line 38, after "chapter," insert "**if**".

Page 2, line 38, delete "shall" and insert "**has reason to believe that public notification may assist in locating the missing endangered adult, the law enforcement agency may**".

Page 2, line 41, delete "senior" and insert "**adult**".

Page 3, line 1, delete "senior" and insert "**adult**".

Page 3, line 4, delete "senior" and insert "**adult**".

Page 3, line 10, delete "senior" and insert "**adult**".

Page 3, line 14, delete "required" and insert "**described**".

Page 3, line 17, delete "senior" and insert "**adult**".

Page 3, line 19, delete "shall" and insert "**may**".

Page 3, line 20, delete "newspaper may:" and insert "**newspaper:**".

Page 3, line 21, delete "a senior" and insert "**an endangered adult**".

Page 3, line 23, delete "senior" and insert "**adult**".

Page 3, line 25, delete "senior" and insert "**adult**".

Page 3, line 26, delete "shall" and insert "**may**".

Page 3, line 27, delete "senior" and insert "**adult**".

Page 3, line 28, delete "senior" and insert "**adult**".

Page 3, line 31, delete "senior" and insert "**adult**".

Page 3, line 34, delete "a senior" and insert "**an endangered adult**".

Page 3, line 37, delete "senior" and insert "**adult**".

Page 3, line 39, delete "senior" and insert "**adult**".

Page 4, line 5, delete "IC 12-10-18-5" and insert "**IC 12-10-18-6**".

Page 4, line 6, delete "a senior" and insert "**an endangered adult**".

Page 4, line 7, delete "a senior" and insert "**an endangered adult**".

Page 4, after line 7, begin a new paragraph and insert:

"SECTION 5. IC 35-44-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) As used in this section, "consumer product" has the meaning set forth in IC 35-45-8-1.

(b) As used in this section, "misconduct" means a violation of a departmental rule or procedure of a law enforcement agency.

(c) A person who reports, by telephone, telegraph, mail, or other

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written or oral communication, that:

- (1) the person or another person has placed or intends to place an explosive, a destructive device, or other destructive substance in a building or transportation facility;
- (2) there has been or there will be tampering with a consumer product introduced into commerce; or
- (3) there has been or will be placed or introduced a weapon of mass destruction in a building or a place of assembly;

knowing the report to be false commits false reporting, a Class D felony.

(d) A person who:

- (1) gives a false report of the commission of a crime or gives false information in the official investigation of the commission of a crime, knowing the report or information to be false;
- (2) gives a false alarm of fire to the fire department of a governmental entity, knowing the alarm to be false;
- (3) makes a false request for ambulance service to an ambulance service provider, knowing the request to be false;
- (4) gives a false report concerning a missing child (as defined in IC 10-13-5-4) **or missing endangered adult (as defined in IC 12-7-2-131.3)** or gives false information in the official investigation of a missing child **or missing endangered adult** knowing the report or information to be false; or
- (5) makes a complaint against a law enforcement officer to the state or municipality (as defined in IC 8-1-13-3) that employs the officer:

(A) alleging the officer engaged in misconduct while performing the officer's duties; and

(B) knowing the complaint to be false;

commits false informing, a Class B misdemeanor. However, the offense is a Class A misdemeanor if it substantially hinders any law enforcement process or if it results in harm to an innocent person.

SECTION 6. [EFFECTIVE JULY 1, 2005] IC 35-44-2-2, as amended by this act, applies only to crimes committed after June 30, 2005."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1159 as printed January 14, 2005.)

LONG, Chairperson

Committee Vote: Yeas 8, Nays 0.

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SENATE MOTION

Madam President: I move that Senators Breaux, Sipes, Broden and Alting be added as cosponsors of Engrossed House Bill 1159.

ZAKAS

SENATE MOTION

Madam President: I move that Engrossed House Bill 1159 be amended to read as follows:

Page 4, line 2, delete "senior" and insert "**adult**".

(Reference is to EHB 1159 as printed April 1, 2005.)

ZAKAS

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